



# MICHIGAN INDIGENT DEFENSE COMMISSION

## Program Reporting Instructions

REVISED – JANUARY 2023

This guide discusses reporting requirements, instructions, and tips for compliance reporting. Although local funding units are responsible for submitting all required information to the MIDC, we recognize that courts play a crucial role in the implementation and demonstration of compliance with standards. As such, some of these suggestions are directed at courts in the hopes of providing some guidance about this partnership.

The program reporting template has been revised for FY23, including the following:

- Simplified structure that only requires users to answer certain questions once for the entire system rather than multiple times across tabs.
- Elimination of Circuit Court arraignment questions.
- Addition of four new questions that address standards and other best practices.
- Revision of the final three questions on the District Court form.
- Minor revisions to wording throughout the reporting template that help clarify the precise data points requested.

Please reach out to the MIDC's Research Unit with any questions. We are happy to help brainstorm creative solutions to any obstacles in the compliance reporting process. You can reach us at:

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For financial reporting questions, please reach out to Rebecca Mack, Grants Director, at [MackR2@michigan.gov](mailto:MackR2@michigan.gov).

Local funding units are required to complete and submit a quarterly program report to the MIDC at the end of every reporting period in accordance with the dates specified in their grant agreement.

The program report asks for some information that is housed within the court, and local funding units may need to partner with courts for assistance in completing the template. This document provides guidance on how to track and report the major data points in the program report, many of which require some sort of daily input. At the end of the quarter, you will enter this information into EGrAMS, which can be accessed through <https://egramsmi.com/MIDC/user/login.aspx>.

If you already have a username and password, enter this information in the Login box, otherwise you will need to create an account. If you have trouble creating an account, please contact Deborah Mitchell at mitchelld20@michigan.gov or 517-643-6875.

## REPORT TABS

The program report consists of two tabs that apply to all systems, and then one additional tab for each of your District and Circuit Courts.

### Reporting Information Tab

The first tab, Reporting Information, covers basic location and contact information for your system. At the bottom of this tab, please make sure to select every court for which you are reporting.

### System Information Tab

The second tab, System Information, is new as of FY23 and asks broad questions related to the execution of each of the MIDC standards in your system. These questions touch on Standards 1 through 5. Many of these questions were previously on the court-specific forms and are now

asked only once for the entire system. The only questions under this tab that require the daily tracking of numbers are the following (Questions 8 and 9):

*System-wide, what was the total number of cases during the reporting period in which indigent defense program funding was used to pay for an investigator?*

*System-wide, what was the total number of cases during the reporting period in which indigent defense program funding was used to pay for an expert witness?*

Indigent defense administrators can track this information in one of three ways, so long as the system tracks consistently across reporting periods so that cases are not missed or double-counted.

- The first way is to track during the reporting period when the investigator/expert is *utilized*.
- The second way is to track during the reporting period when the investigator/expert is *paid*.
- The third way is to identify all the number of cases that closed in the reporting period and calculate the number that utilized an investigator/expert at any point throughout the life of the case.

This last method is most accurate, but we understand that one of the first two methods might work better for your system.

Each case should only be counted once over time (i.e., did the case *\*ever\** use an expert or investigator) because the goal is to track the total number of cases that ever utilized expert or investigative assistance, not the number of times that experts or investigators are used. As an example, if defense counsel hired two expert witnesses in Quarter 1 for a single case, that would count as one case in which an expert was used, since we are counting the number of CASES in which assistance was utilized, not the number of EXPERTS. If defense counsel hires another expert witness in Quarter 2 for the same case, that still counts as just a single case in which expert assistance was utilized, so there is no need to recount that case; you have already reported it in Quarter 1.

A few other notes:

- For investigators, this number should not include cases in which the investigator performed only basic administrative tasks such as running iCHAT reports.
- In some instances, it can be difficult to distinguish between investigative assistance and expert assistance. Please use your judgment to place each instance in the most appropriate category.

After completing the System Information tab, you will fill out a court-specific tab for each court in your system.

Circuit Court Tab(s)

***Starting in FY23, Circuit Courts are only responsible for answering four questions. These questions are under Section A in the court tabs.***

**A. CIRCUIT COURT:**

**Respond to these questions only if this is a CIRCUIT COURT tab**

The first two questions ask about the total number of new adult, criminal case filings and appointments during the reporting period, similar to previous iterations of program reports. These numbers should be calculated at the end of the reporting period, when the system runs the final report, so that all instances of appointed counsel are captured in the report. The second question is a subset of the first question, and so the answer to the second question will necessarily be either equivalent to or smaller than the answer to the first question. In order to track these data points accurately, please refer to the following FAQs:

➤ **What is the difference between “total number of new adult criminal case filings” and the number “handled by an assigned attorney?”**

The first question, “number of new cases,” refers to the total number of new adult criminal cases that are filed in your system during the reporting quarter. Please do not include cases that are not in adult criminal court.

The second question refers to the number of these new filings that are assigned to a court-appointed attorney following arraignment. The second question is a subset of the first question, and so the answer to the second question will necessarily be either equivalent to or smaller than the answer to the first question.

In the second question, “handled by an assigned attorney” does not refer to a formal appointment but rather to any case handled at any point post-arraignment by a court-appointed attorney, which might include an attorney from a public defender office, a roster attorney, a contract attorney, an MIDC attorney, house counsel, or any other sort of court-appointed attorney. The data point aims to measure the number of cases that utilize court-appointed counsel rather than the number of formal appointments.

➤ **Are filings and appointments counted by case or by count?**

By case, and we ask that you follow the SCAO guidelines on counting cases. Please see Appendix A for the excerpted guidelines. In particular, please note that case counting in

criminal complaints differs from case counting in traffic complaints. According to the SCAO guidelines, for traffic case numbers that end in letter designations, each letter counts as its own case. Criminal complaints with multiple counts that are filed under a single case number count as one case.

➤ **Do probation violations count as new filings?**

Please follow the standard practice in your court. When a probation violation is a new case (i.e., given a new case number), it should be counted as a new filing for the purposes of this data point. This is typically when new criminal charges are filed. If it is not a new case, then do not count it as a new filing even if there is a new arraignment. (Importantly, this would still count as an additional arraignment in the counsel at first appearance section of the report!)

➤ **If there is a guilty plea at arraignment and sentencing is scheduled for another day with assigned counsel, does it count as assigned?**

Yes. If the case was not completely resolved at arraignment and is handled on any other day by a court appointed attorney, it counts as “handled by appointed counsel.”

➤ **If assigned counsel only handles part of the case and retained counsel handle the other part of the case, does it still count as assigned??**

Yes. If assigned counsel worked on any part of the case following arraignment, please count it for the purposes of this question.

The third question in the Circuit Court tab asks for the number of requests for appointed counsel that were denied during the reporting period. Ideally, this data point would also be tracked by CASES rather than by defendants, but if that is not possible, we ask you to at least specify how you are tracking. This is a new question, and may requires a new approach to tracking. Depending on how your system has set up indigency screenings, this data point might be tracked by an indigent defense administrator or might be tracked by court personnel.

The fourth and final question asks whether any of the judges in your court seek reimbursement for attorney fees at sentencing/the conclusion of the case. This is a Yes/No question. If any of the judges in the relevant court seek reimbursement, you should answer “Yes.”

***After completing the fourth question, scroll down past Section B questions, which are not relevant to Circuit Courts, and save your numbers before moving on to the next tab.***

District/Municipal Court Tab(s)

*When you click on the District/Municipal Court tab(s), scroll down past Section A (which only applies to Circuit Court) until you get to Section B.*

**B. DISTRICT / MUNICIPAL COURT**

**Respond to these questions only if this is a DISTRICT OR MUNICIPAL COURT tab**

The first question in Section B asks for the number of new adult, criminal filings during the reporting period. Please follow the SCAO guidelines on counting cases to accurately calculate this number (see Appendix A). PVs should count as new filings when they are counted as new filings in your court (i.e., typically when new charges are filed and given a new case number).

The second question is tied to Standard 4 and is concerned only with representation at arraignment, not with representation at other stages. The “total number of arraignments conducted” should be equivalent to the sum of whether clients/defendants at each arraignment were represented by retained counsel, represented by appointed counsel, invoked their right of self-representation, or had no counsel due to counsel’s absence. If no actual arraignment was conducted (for instance, pleas by mail/at the counter, arraignments that are entirely waived, and cases dismissed before arraignment with the assistance of the arraignment attorney), please do not count them for the purposes of this question. Please see the following FAQs about arraignment questions.

➤ **What is the difference between retained counsel, appointed counsel, in pro per, and absent counsel at arraignment?**

You can use the following guidelines to sort arraignments into categories:

Presence	Category	Summary
Attorney Present	Retained	Retained counsel is present on the record with the defendant at arraignment (CORT).
	Appointed	A public defender/appointed attorney is present on the record with the defendant at arraignment (COAP). If an attorney provides assistance prior to arraignment but does not enter a limited appearance on the record at the arraignment, this should be captured in the attorney’s workload but it does not count as appointed counsel at arraignment for the purposes of data collection.
Attorney Not Present	In Pro Per	No attorney is present with the defendant while they are being arraigned either because (a) the defendant has waived counsel, or (b) the defendant is not eligible for appointed counsel (COPP).
	Absent	No attorney appears with the defendant while they are being arraigned even though (a) the defendant is eligible for counsel, and (b) the defendant has not waived counsel (COAB). Examples might include the

		following: counsel has been retained but is not present at court or assigned counsel is absent that day and arraignments continue regardless.
Other	Other	Unable to place into any of the other four categories. Ideally, there shouldn't be anything in this category, it is just a catchall for oddities or missing data.

- **Do the arraignment questions refer to all types of arraignments, including in custody arraignments, court scheduled arraignments, and walk in arraignments?**

Yes, all types of arraignments should be tracked.

- **If a client/defendant has multiple case numbers relating to a single event or ticket for arraignment, does it count as a single arraignment, or do I list the number of individual cases? For example, if a ticket has three misdemeanors on it (for instance, DWLS, Expired Plate and No Insurance), do I report this as one arraignment or three arraignments?**

If a client/defendant is arraigned simultaneously on multiple distinct cases, then each case would count as its own arraignment. If a client is arraigned on multiple charges within a single case, it would only count as a single arraignment. Please make sure that this is recorded accurately in your case management system. If you use a case management system that uses a different record for every charge in a criminal complaint, please make sure to only record it as a single arraignment, which may mean attaching an arraignment code to only one of the counts. Please also note that counting arraignments for the purposes of the Program Report is not the same as accounting for an attorney's arraignment workload, and systems might utilize a different method to calculate each.

- **If a client/defendant doesn't show up for their arraignment, do I count that as an arraignment?**

If a client/defendant does not show up, this should *not* be recorded as an arraignment.

- **If a client/defendant waives their arraignment, do I count that as an arraignment?**

If only the reading of the charges is waived, not the arraignment proceeding itself, this would fall into one of the following four categories: retained counsel, appointed counsel, pro per, counsel absent. If there is a formal waiving of the arraignment itself, then this would not be counted in Question 2.

- **How would an indigent defense administrator know the number of arraignments conducted by retained counsel or the number of waived arraignments or pleas by mail? Why do you need to know this?**



This information will typically need to be provided by the court, since the court is the only entity that has access to these numbers. Without the number of arraignments conducted by retained counsel, we cannot calculate the percentage of arraignments handled by appointed counsel, which is a critical data point for our agency and your funding.

Question 3 asks for the number of dispositions that occurred at arraignment during this reporting period. For example, if you reported 500 arraignments in Question 2, and 40 of these were resolved at arraignment, you'd enter '40' for Question 3. Please report the number of CASES that received a disposition, not the number of clients/defendants. Courts should be able to identify this number by searching for the cases where the arraignment and disposition date match in their case management system.

Question 4 asks for the number of new filings during the reporting period that were assigned to a court-appointed attorney following arraignment. This is a subset of the first question on new filings, and so the answer to this question will necessarily be either equivalent to or smaller than the answer to the first question. "Handled by an assigned attorney" does not refer to formal appointments, but rather to any case handled by a court-appointed attorney, which might include an attorney from a public defender office, a roster attorney, a contract attorney, an MIDC attorney, house counsel, or any other sort of court-appointed attorney. The data point aims to measure the number of cases that utilize court appointed counsel after arraignment rather than the number of formal appointments. If there is a plea at arraignment but sentencing is scheduled for another day with assigned counsel, this should be counted as an appointment. Similarly, if assigned counsel only handles part of the case and retained counsel handles another part, it should still be counted as an appointment for the purposes of this data point.

Questions 5 and 6 are new as of FY23. Question 5 asks for the number of requests for appointed counsel that were denied during the reporting period. Ideally, this data point would also be tracked by CASES rather than by clients/defendants, but if that is not possible, we ask you to at least specify how you are tracking. This is a new question, and may requires a new approach to tracking. Depending on how your system has set up indigency screenings, this data point might be tracked by an indigent defense administrator or might be tracked by court personnel.

Question 6 asks whether any of the judges in your court seek reimbursement for attorney fees at sentencing/the conclusion of the case. This is a Yes/No question. If any of the judges in the relevant court seek reimbursement, you should answer "Yes."

Question 7 identifies cases that were resolved *before* arraignment. Resolutions counted here can include any of the following: pleas by mail, pleas taken at the counter, pleas entered through an online system, pleas taken with the help of the arraignment attorney before an arraignment occurred, or any other form of pre-arraignment pleas. The second part of the question is a subset of the first part and asks how many of the cases reported in the first part received the assistance of counsel. If you need assistance assessing the best way to calculate these numbers, please reach out to the MIDC.

## Solutions Using JIS

For systems who use JIS, the following may offer guidance on collecting relevant data points within the court case management system. In order to track some of the data points included in the quarterly program reports, we suggested that courts utilize the three- and four-character codes available in JIS. The specific codes are suggestions and not requirements and can be replaced with any code if your system already utilizes a suggested code. Prior to assigning a code, court systems should check to make sure the code is available.

*Please make sure that you are only recording the codes once for each case, not once for each count. In case management systems that track each count as a separate record (typically district courts), we suggest attaching the relevant codes only to the first count.*

Here are some examples of codes that may be useful. The following codes are the same codes that the MIDC has suggested in previous years.

- Represented by retained counsel at arraignment (CORT/COR)
- Represented by appointed counsel at arraignment (COAP/COA)
- Invoked the right of self-representation at arraignment (COPP/COP)
- Counsel absent at arraignment (COAB/COB)
- Represented by assigned counsel following arraignment (COPD/COD)

Although some courts were previously tracking information on experts and investigators, that information should now be tracked by indigent defense administrators, public defender offices, or other funding unit employees who are responsible for approving/paying requests.

New codes that may be helpful include the following:

- Denials of appointed counsel (CODN/COD)
- Case resolved prior to arraignment, ie, “early resolution” (EARN/EAR)
- Dispositions entered at the time of arraignment (DIAR/DIA)

If these codes are entered on a daily basis, you can run reports at the end of the quarter that will automatically calculate the necessary numbers. The State Court Administrative Office will be releasing updated guidance on running these reports in DCS and TCS that will be appended to this document once complete.

## Appendix A

### Circuit Court<sup>1</sup>

A criminal case is counted as a new filing when a bindover is received for filing (it is reported filed based on the bindover date, not the filing date), an order waiving a juvenile from family division to criminal division is received for filing, or a case is received by your court after transfer from another court because of change of venue; do not include cases transferred for purposes of trial only.

- Count a high court misdemeanor as a felony.
- A felony complaint may contain multiple charges against one defendant; do not count multiple charges in one complaint as separate cases. If a prosecuting official has filed multiple complaints for multiple offenses arising out of one incident by one defendant, consolidate the complaints into one case and count as one case.
- A complaint may contain both felony and misdemeanor charges in the same complaint; count as a felony.
- A criminal complaint should be filed against one defendant; each defendant shall be counted as one case. If a prosecuting official has filed a single complaint against more than one defendant, each defendant must be counted as a separate case.

### District Court<sup>2</sup>

A felony criminal case is counted as a new filing when a complaint is received for filing or a when case is received by your court after transfer from another court because of change of venue; do not include cases transferred for purposes of trial only.

- Count a high court misdemeanor as a felony.
- A felony complaint may contain multiple charges against one defendant; do not count multiple charges contained in one complaint as separate cases. If a prosecuting official has filed multiple complaints for multiple offenses arising out of one incident by one defendant, consolidate the complaints into one case and count as one case.
- A complaint may contain both felony and misdemeanor charges in the same complaint; count as a felony.
- A criminal complaint should be filed against one defendant; each defendant shall be counted as one case. If a prosecuting official has filed a single complaint against more than one defendant, each defendant must be counted as a separate case. When a case is dismissed to allow for filing of a second complaint for a lesser included offense, do not count the second complaint as a new filing. Do not count enhancements as a new filing. A misdemeanor criminal case is counted as a new filing when a complaint or citation is

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<sup>1</sup> <https://courts.michigan.gov/education/stats/reporting-materials/Documents/CircuitCourtReportingInstructions.pdf#search=Case%20counts>

<sup>2</sup> <https://courts.michigan.gov/education/stats/reporting-materials/Documents/DistrictCourtReportingInstructions.pdf#search=Case%20counts>

filed or a case is transferred to your court because of change of venue; do not include cases transferred for purposes of trial only.

- A misdemeanor complaint may contain multiple charges against one defendant; do not count multiple charges in one complaint as separate cases. If a prosecuting official has filed multiple complaints for multiple offenses arising out of one incident by one defendant, consolidate the complaints into one case and count as one case (this does not apply to a citation).
- If the charging document is the Uniform Law Citation, each of the 3 parts is considered a separate complaint, and each complaint contains a single charge. Each charge shall be counted as a separate case.
- A misdemeanor offense with a penalty over 93 days shall not be filed on a Uniform Law Citation.
- A complaint may contain both misdemeanor and felony charges in the same complaint; count as a felony.
- A criminal complaint should be filed against one defendant; each defendant shall be counted as one case. If a prosecuting official has filed a single complaint against more than one defendant, each defendant must be counted as a separate case.